

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

# February 18, 1999

## DIVISION THREE

B111143 People (Not for Publication)  
v.  
Kendalla

We order page 73, lines 27-28 of the reporter's transcript of the January 28, 1997, proceedings be corrected to read: "Also, the special allegation of inflicting great bodily harm under 12022.7(D)."

We further order page 151 of the clerk's transcript to reflect that "12022.7(d) to be true" rather than "12022.7(a)" and page 162 to reflect that "no sentence is imposed for the 12022.7(d) P.C. enhancement," rather than the "12022.7(b) P.C. enhancement."

In all other respects, the judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B122338      Juan Castro      (Not for Publication)  
v.  
Jackson, Jacobson, & Franklin

The order is affirmed. Respondent is awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION THREE (Continued)

B107051      Stanley Friedman, M.D.      (Not for Publication)  
                 v.  
                 Jaroslav J. Marik

The judgment is affirmed. Petitioner and respondent Stanley Friedman is awarded costs on appeal.

Aldrich, J.

We concur:   Klein, P.J.  
                   Kitching, J.

B124507      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Diana S.

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                   Kitching, J.

B115484      People      (Not for Publication)  
                 v.  
                 Christian G.

The order under review is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                   Aldrich, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Cooper (F.M.), J. (Assigned), and V. Guzman, Deputy Clerk.

B119077      People  
                 v.  
                 Arredondo and Montanez

Merits:

Argued by H. Reed Webb for appellant Montanez and by Jason C. Tran, deputy attorney general for respondent. Counsel for appellant Arredondo previously waived oral argument.. Cause submitted.

B094455      People, ex. rel.  
                 v.  
                 National American Insurance Company, et al.

Merits:

Argued by Brendan Pegg for appellant and by H. Anthony Nicklin for respondent. Cause submitted.

B114458      People  
                 v.  
                 Amadeo

Merits:

Argued by Victor J. Morse for appellant and by David Polsky, deputy attorney general for respondent. Cause submitted.

B116887      Clapperton, et al.  
                 v.  
                 Allstate Insurance Company

Merits:

Argued by Charles A. Bird for appellant and by Brian D. Witzer for respondents. Cause submitted.

Cooper, J. (assigned) leaves the bench.

DIVISION FOUR (Continued)

B123311 In Re Mikhail On Habeas Corpus

Merits:

Argued by Richard Lennon for petitioner and by Lawrence M. Daniels, deputy attorney general for respondent. Cause submitted.

B119283 City of Redondo Beach  
v.  
Kim

Merits:

Argued by James M. Slominski for appellant and by Henry K. Workman for respondent. Cause submitted.

B126518 Doughty  
v.  
Superior Court  
(Hilltop Entertainment, et al., r.p.i.)

Merits:

Argued by Julie Sullwold Hernandez for petitioner and by Mary K. Barnes for real parties in interests. Cause submitted.

B115365 People  
v.  
Wilborn

Merits:

Argued by Carlo Andreani for appellant and by M. Susan Sullivan, deputy attorney general for respondent. Cause submitted.

B126743 Pitts  
v.  
Superior Court  
(Tito's Tacos, et al., r.p.i.)

Merits:

Argued by George M. Rosenberg for petitioner and by Joanna Rehm for real parties in interests. Cause submitted.

DIVISION FOUR (Continued)

B089804      Kazi et al.  
                 v.  
                 State Farm Fire & Casualty Company, et al.

Merits:

Argued by Alice M. Graham for appellants Smolker & Graham; Pamela Dunn for respondent State Farm Fire and Casualty Company and by Mitchell C. Tilner for respondent Truck Insurance exchange & Farmer's Insurance Exchange. Cause submitted.

Court in recess.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., and V. Guzman, Deputy Clerk.

B113902      Sarac  
                 v.  
                 Long Beach Sports Medicine

Merits:

Argued by Jonathan P. Milberg for appellant and by Craig R. Breitman for respondent. Cause submitted.

B113504      20th Century Insurance Company  
                 v.  
                 Geminder

Merits:

Argued by James Habel for appellant and by David S. Ettinger for respondent. Cause submitted.

DIVISION FOUR (Continued)

B115342      Safeco Insurance Company  
                 v.  
                 Robert S.

Merits:

Argued by Scott M. Murch for appellant; Kapp L. Johnson for respondent Dunbar and by Howard J. Fox for respondent Smith & Mitchell. Cause submitted.

B113906      Southern Pacific Thrift & Loan Association  
                 v.  
                 Savings Association Mortgage Company

Merits:

Argued by Steven J. Cote for appellant and by A. Raymond Hamrick for respondent. Cause submitted.

B115351      Estate of Jones and Marcy Burke  
                 v.  
                 Burke

Merits:

Argued by Paul J. Weiner for appellants and by Paul W. Rosenfeld for respondent. Cause submitted.

B116376      A&M Diamond and Jewelry, Inc., et al.  
                 v.  
                 Lloyd's Underwriters

Merits:

Argued by Roger W. Simpson for appellants and by James S. Cooper for respondent. Cause submitted.

DIVISION FOUR (Continued)

B107489      Rancho San Marcos Partners, et al.  
                 v.  
                 Katersky

Merits:  
Argued by David N. Schultz for appellant and by Steven J. Shapero for respondents. Cause submitted.

B114948      Callahan  
                 v.  
                 Mutual Life Insurance Company

Merits:  
Argued by Robert K. Scott for appellant and by Gail E. Cohen for respondent. Cause submitted.

B109298      Carlin  
                 v.  
                 Board of Trustees of California State University, et al.

Merits:  
Argued by Carla D. Barboza for appellant and by Robert A. Naeve for respondents. Appellant is granted to February 23, 1999, to file a letter brief. Cause to be submitted upon filing of letter brief.

B114281      St. Paul Fire & Marine Insurance Company, et al.  
                 v.  
                 Aetna Casualty & Surety Company

Merits:  
Argued by Bruce H. Dunn for appellants and by Rita Gunasekaran for respondent. Cause submitted.

DIVISION FOUR (Continued)

B116060 Pacific Scientific Company  
v.  
Industrial Risk Insurers, et al.

Merits:

Argued by David M. Roberts for appellant and by William P. Linhoff for respondents. Cause submitted.

Each of the following:

B115985 People v. Downing  
B118320 People v. Leyva  
B119005 People v. Ruiz-Mor  
B118099 People v. Miller, Carr and Mitchell  
B114486 People v. Johnson  
B113489 People v. Dixon  
B127011 Maria C. and Alberto C. v. S.C.L.A. (D.C.F.S., rpi)  
B127292 Christine B. v. S.C.L.A. (D.C.F.S., rpi)  
B116016 Co. of Los Angeles v. Frontier Pacific Insurance Company

Argument waived, cause submitted.

Court Adjourned.

DIVISION FIVE

B121218 Kirsten Fox  
v.  
State of California, et al.

Filed order modifying opinion. (No change in the judgment)

B126097 People (Not for Publication)  
v.  
Tony Allen

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.  
Godoy Perez, J.



## February 18, 1999-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Burke, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.

[illegible]

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Coffee, J.  
Burke, J. (Assigned)

B124476 People (Not for Publication)  
v.  
Darnell

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

## February 18, 1999-Continued

## DIVISION SIX (Continued)

B125816 People (Not for Publication)  
v.  
Rodriguez

The judgment is affirmed.

Coffee, J.

We concur:   Yegan, Acting P.J.  
                  Burke, J. (Assigned)

B120938      Hernandez      (Not for Publication)  
v.  
Desert Roofing Inc.

The summary judgment is reversed. Costs are awarded to appellant.

Burke, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.

## DIVISION SEVEN

B116076      Estate of David McCrath      (Not for Publication)  
v.  
Southard, D.S.W.

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

## DIVISION SEVEN (Continued)

B122797      Sanchez                                  (Not for Publication)  
v.  
Guinto, et al.

Summary judgment is reversed and upon remand the trial court is directed to deny the motion for summary judgment. Appellant to receive costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B121196      Cassim, et al.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Allstate Ins. Company, r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to vacate its order granting summary adjudication and to enter a new order denying Allstate's motion for summary adjudication. The parties are to bear their own costs in this proceeding.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B124273 Abramian (Not for Publication)  
v.  
Clarendon National Ins. Company

The Court:

The judgment is affirmed. Respondent to recover costs on appeal.

Lillie, P.J., Acting P.J., Woods, J., Neal, J.